

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

CRH NORTH AMERICA INC., an Alabama  
corporation,

Plaintiff,

v.

GLOBAL AUTOMOTIVE SYSTEMS, LLC, a  
Delaware limited liability company, d/b/a METAL  
SYSTEMS OF MONTERREY,

Defendant.

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CASE NO. 09-13674

HON. MARIANNE O. BATTANI

**ORDER DENYING AS MOOT DEFENDANT'S MOTION TO DISMISS  
PURSUANT TO FED. R. CIV. P. 12(b)(7) FOR FAILURE TO JOIN A PARTY**

Before the Court is Defendant's Motion to Dismiss Pursuant to FED. R. CIV. P. 12(b)(7) for Failure to Join a Party (Doc. No. 4). The Court scheduled oral argument for January 6, 2010; however, upon review of the pleadings, it finds argument unnecessary. See E. D. Mich. LR 7.1(e)(2).

Plaintiff, CRH North America, Inc. filed this action against Global Automotive Systems LLC (GAS), alleging it breached a long-term agreement to supply component parts. Plaintiff also alleges in its complaint that GAS supplied defective and mislabeled parts.

In its motion, GAS asks the Court to dismiss Plaintiff's complaint for failure to name as a necessary party, Metal Systems of Mexico, LLC, the party with which Plaintiff contracted. Thereafter, Plaintiff amended its complaint and added Metal Systems of Mexico, LLC as a party defendant. In its subsequently filed response, Plaintiff argues that Defendant's motion must be denied as moot.

In its reply brief, GAS has agreed that the relief requested by Plaintiff is appropriate. The amended complaint corrects the deficiency upon which GAS based its motion.

Accordingly, **IT IS HEREBY ORDERED** that Defendant's motion is **DENIED** as moot.

**IT IS SO ORDERED.**

s/Marianne O. Battani  
MARIANNE O. BATTANI  
UNITED STATES DISTRICT JUDGE

Date: December 11, 2009

**CERTIFICATE OF SERVICE**

Copies of this Order were mailed and/or electronically filed to counsel of record on this date.

s/Bernadette M. Thebolt  
Case Manager